Appl. No. 10/707,408
Amdt. dated January 27, 2009
Reply to Final Office Action of December 29, 2008

Attorney Docket No. 014682-000002

REMARKS

Initially, in the Office Action, the Examiner has rejected claims 1 – 3, 10 -15, 23 – 25, 27 – 29, 31, 35 – 38 and 40 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,032,022 (Shanumgam et al.) in view of U.S. Patent No. 6,981,029 (Menditto et al.) and further in view of Applicant's Admitted own Prior Art (AAPA). Claims 6, 18, 32 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and U.S. Patent No. 6,621,793 (Widegren et al.). Claims 7, 19, 20, 33 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and U.S. Patent No. 6,510,513 (Danieli). Claims 8, 9, 21, 22, 34 43 and 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and U.S. Patent No. 2003/0110192 (Valente et al.).

Claims 1 – 3, 6 – 15, 18 – 25, 27 – 29, 31 – 38 and 40 – 44 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1 – 3, 10 – 15, 23 – 25, 27 – 29, 31, 35 – 38 and 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and AAPA. Applicant respectfully traverses these rejections.

Regarding claims 1, 10, 23, 28 and 35, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims. For example, none of the cited references disclose or suggest determining if a policy template is present at an enforcement point in response to receiving an identification assigned to the policy template, as recited in the claims of the present application. The Examiner appears to admit that Shanumgam et al. does not disclose or suggest these limitations but asserts that Meditto (col.3, lines 1-29, col. 6, lines 16-53, col. 9, lines 37-62, col. 12, line 20 – col. 13, line 6) discloses these limitations. However, Menditto merely discloses that a content gateway intercepts requests that are candidates for content processing,

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classifies them based on content, determines routing based on the content, and determines an appropriate content provider server location for routing the request as well as receives and installs policies, and that a content gateway directory stores content policies and includes a content class that consists of a template and a set of rules for pattern matching where the template is used to match a domain name and additional content of the request, and that there may be a content policy for a domain name within a content gateway policy manager since a valid domain name table may not be able to hold every possible domain name that has associated content policy for execution, and that there are quality of service policies that are downloaded to a content gateway router and content policies that that are distributed to content gateway processors, and details regarding the system diagram shown in Fig. 7. This is not determining if <u>a policy template is present</u> at an enforcement point <u>in response to receiving an identification assigned to the policy template</u>, as recited in the claims of the present application. The mention in Menditto of a "template" merely relates to a template <u>containing domain names and content used to be compared with and match a domain name and content of a request</u>. To put it another way, Menditto does not disclose or suggest <u>receiving an identification</u> assigned to a policy template, and then <u>in response</u> to receiving the identification, <u>determining if a policy template that the identification is assigned is present</u> at an enforcement point in response to, as recited in the claims of the present application. Further, the mere disclosure in Appendix A in Menditto of a policy ID field that contains a number that identifies the policy to be used by the CGR and other routers enroute for data transport does not disclose or suggest these limitations in the claims of the present application.

Moreover, Applicant submits, as noted previously, that none of the cited references disclose or suggest the policy template and the parameters being transmitted separately, as recited in the claims of the present application. It is not clear which reference, or portion thereof, the Examiner asserts as disclosing these limitations. The Examiner references several portions of Menditto et al. However, none of these portions disclose or suggest the policy template and the parameters (to be used in the policy template) <u>being transmitted separately</u>. As required by the MPEP

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and 35 U.S.C. §103(a) statute and associated case law, Applicant respectfully requests the Examiner to specifically point out where in any cited reference these limitations are disclosed or suggested.

The Examiner further appears to admit that Shanumgam et al. does not disclose or suggest transmitting a query from the enforcement point to a repository, where policy templates are stored, in response to the policy template not being present at the enforcement point, wherein the query includes the id assigned to the policy template, but asserts that Menditto et al. discloses these limitations at column 3, lines 1 – 29, column 6, lines 16 – 53, column 9, lines 37 – 62 and column 12, line 20 – column 13, line 6. However, as noted previously, these portions merely disclose details regarding the content gateway functions, the content gateway directory, functions of the content gateway policy manager, and details related to quality of service policy. Again the Examiner jumps to various portions of the cited reference in the hopes that these portions disclose the limitations in the claims of the present application. The Examiner again fails to specifically point out the limitations in the claims of the present application in the cited reference. However, none of these portions disclose or suggest transmitting a query from the enforcement point to a repository, where policy templates are stored <u>in response to the policy template not being present at the enforcement point, wherein the query includes the id assigned to the policy template</u>, as recited in the claims of the present application. Menditto et al. actually teaches away from the limitations in the claims of the present application in disclosing that "if no policy exists, then no action is taken" (see, column 9, line 47). Applicant respectfully requests the Examiner <u>to specifically point out where in the cited reference these limitations are disclosed or suggested</u>. In addition, in contrast to the Examiner's assertions, these limitations are not disclosed or suggested in AAPA.

Moreover, these portions do not disclose or suggest receiving <u>the policy template at the enforcement point, wherein the policy template</u> is transmitted by the repository in response to the query, as recited in the claims of the present application. Menditto et al. discloses storing of <u>content policies</u>. Further, Menditto et al. discloses a content class that consists of a template and set of rules for pattern matching the URL of the

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request. However, this is not a template <u>that may receive parameters transmitted</u> <u>separately for factoring to the policy template</u>, as recited in the claims of the present application. Further, this is not <u>a policy template present at an enforcement point</u>. As the Examiner notes on page 5 of the Office Action, Menditto discloses <u>a repository for</u> <u>content policy</u>. This is not <u>a policy template</u> as recited in the claims of the present application.

Regarding claims 2, 3, 11 – 15, 24, 25, 27, 29, 31, 36 – 38 and 40, Applicant submits that these claims are dependent on one of independent claims 1, 10, 23, 28, 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each claims 1 – 3, 10 – 15, 23 – 25, 27 – 29, 31, 35 – 38 and 40 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 6, 18, 32 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al., Menditto and further in view of Widegren et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of 1, 10, 28 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Widegren et al. does not overcome the substantial defects noted previously regarding Shanumgam et al. and Menditto et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 6, 18, 32 and 41 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 7, 19, 20, 33 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and Daneili. Applicant respectfully traverses these rejections and submits that these claims are

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dependent on one of independent claims 1, 10, 28 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Danieli does not overcome the substantial defects noted previously regarding Shanumgam et al. and Menditto et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 7, 19, 20, 33 and 42 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 8, 9, 21, 22, 34, 43 and 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al., Menditto et al. and further in view of Valente et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1, 10, 28 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Valente et al. does not overcome the substantial defects noted previously regarding Shanumgam et al. and Menditto et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 8, 9, 21, 22, 34, 43 and 44 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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Conclusion

In view of the foregoing remarks, Applicant submits that claims 1 – 3, 6 – 15, 18 – 25, 27 – 29, 31 – 38 and 40 – 44 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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